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NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HASHIM SCOTT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Crim. A. No. 07-0484 (SRC)

OPINION & ORDER

Chesler, U.S.D.J.

This matter comes before the Court on *pro se* Petitioner Hashim Scott's motion for a reduction in sentence pursuant to Title 18 of the United States Code, Section 3582(c)(2) and United States Sentencing Guidelines, Section 1B1.10(c), which relates to sentencing for crack cocaine related offenses. [Docket item 35].

Amendment 706 to U.S.S.G. § 2D1.1(c), which provides for a two-level decrease in the base level for all crack cocaine quantities, became effective November 1, 2007. *See* U.S.S.G. § 2D1.1(c), Supp. to App'x C. The Court sentenced Petitioner on November 26, 2007, after Amendment 706 went into effect. Although the Presentence Investigation Report calculated Petitioner's offense level of thirty-four using the pre-amendment guidelines, the Court relied upon the guidelines as amended by Amendment 706 and calculated Petitioner's offense level as thirty-two.

Because the Court sentenced Petitioner under the guidelines as amended November 1,

2007, his motion for a new sentence is without merit. Therefore,

IT IS on this 9th day of May 2008,

ORDERED that Petitioner's motion for a reduction in sentence is denied. [Docket item 35].

s/ Stanley R. Chesler
STANLEY R. CHESLER,
UNITED STATES DISTRICT JUDGE